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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/706,442	11/12/2003	Joseph Y. Ko	TELKO51.001A	8004
20995	7590	04/07/2006	EXAMINER	
KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET FOURTEENTH FLOOR IRVINE, CA 92614			BRADEN, SHAWN M	
			ART UNIT	PAPER NUMBER
			3727	

DATE MAILED: 04/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/706,442	Applicant(s) KO, JOSEPH Y.	
	Examiner Shawn M. Braden	Art Unit 3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 March 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Drawings

1. Color photographs and color drawings are not accepted unless a petition filed under 37 CFR 1.84(a)(2) is granted. Any such petition must be accompanied by the appropriate fee set forth in 37 CFR 1.17(h), three sets of color drawings or color photographs, as appropriate, and, unless already present, an amendment to include the following language as the first paragraph of the brief description of the drawings section of the specification:

The patent or application file contains at least one drawing executed in color. Copies of this patent or patent application publication with color drawing(s) will be provided by the Office upon request and payment of the necessary fee.

Color photographs will be accepted if the conditions for accepting color drawings and black and white photographs have been satisfied. See 37 CFR 1.84(b)(2).

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Ming (USPN 6,401,952).

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With respect to claim 1, Ming shows one or more side panels (10) each having an upper edge, a lower edge, a first side edge and a second side edge, the first side edge (12) in engaging relation with a second side edge (11) such that the one or more side panels form a continuous basket side wall;

A bottom frame (40) configured for attachment to the side panel lower edge;
And an upper ring (30) configured for attachment to the side panel upper edge.

With respect to claim 3, Ming discloses the side panels are formed from a bendable material (col. 1 ln. 53).

With respect to claim 4, Ming shows the bottom frame (40) defines a groove (41) configured to accept and securely hold the side panels lower edge.

With respect to claim 5, Ming shows the upper ring (30) defines a groove (21) configured to accept and securely hold the side panel upper edge.

With respect to claim 6, Ming shows the bottom frame (40) is configured with a lock (42) and the side panel lower edge is configured with a hole (13) configured to engage the lock (42) to securely hold the side panel to the bottom frame (40).

With respect to claim 7, Ming shows one or more flexible side panels (10) each side panel having an upper edge and a lower edge, each of said upper edge and lower edge having one or more holes (13) formed adjacent thereto, and further having a male side edge having tabs (12) protruding therefrom, and having a female side edge having slots (13) formed therein configured to receive the tabs;

a bottom frame (40) defining a longitudinal groove (41) configured to receive the side panel (10) lower edge, the bottom frame further having an engagement structure

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configured for cooperation with the holes (13) formed in the side panel lower edge to securely hold the side panel lower edge within the bottom frame longitudinal groove (41), and an upper ring (20) defining a longitudinal groove (21) configured to receive the side panel (10) upper edge, the upper ring (21) further having an engagement structure configured for cooperation with the holes (13) formed in the side panel upper edge to securely hold the side panel upper edge within the upper ring longitudinal groove (21).

With respect to claim 9, Ming shows the side panel male (12) side edge comprises one or more lock tabs configured to be securely inserted into a corresponding slot (11) configured to inhibit subsequent withdrawal of the lock tab from the slot.

With respect to claim 10, Ming shows the lock tab (12) has a portion that is wider than the slot (fig. 3). Examiner notes although drawings are not to scale slot (11) measures 1.1cm and tab (12) measures 1.3cm.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 2&8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ming (USPN 6,401,952) in view of Bell (USPN 1,500,917)

Ming discloses the invention substantially as claimed. However Ming does not disclose a second side panel.


Bell teaches two separate side panels, in the analogous art of trashcans for the purpose of packaging together and thus occupying the least amount of space (col. 1 ln. 15).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to use two of Ming's side panels instead of one in order to pack and ship more effectively.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shawn M. Braden whose telephone number is (571)272-8026. The examiner can normally be reached on Mon-Thurs 8-6:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571 272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


JES F. PASCUA
PRIMARY EXAMINER

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

smb


JES F. PASCUA
PRIMARY EXAMINER